

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

June 3, 2003

The Honorable David H. Wilkins
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 4091, R-108, a Joint Resolution:

TO PROVIDE THAT THE SCHOOL DAYS MISSED ON APRIL 22 AND 23, 2003, BY THE STUDENTS OF HOLLY SPRINGS ELEMENTARY SCHOOL IN PICKENS COUNTY, WHEN THE SCHOOL WAS CLOSED DUE TO EMERGENCY FLOOR REPAIR NECESSITATED BY SEVERE WATER DAMAGE, ARE EXEMPTED FROM THE MAKE-UP REQUIREMENT OF THE DEFINED MINIMUM PLAN THAT FULL SCHOOL DAYS MISSED DUE TO EXTREME WEATHER OR OTHER CIRCUMSTANCES BE MADE UP.

This veto is based upon my belief that H. 4091, R-108 is unconstitutional.

Though well-intentioned as it might be, H. 4091, R-108 is an example of specific legislation that has been enacted to address circumstances that could have been addressed by general legislation. The state constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34 (IX). The General Assembly could establish a general statute that sets forth the general types of events or occasions when missed school days may be exempted from the make-up requirement, and authorize school districts throughout the state to exercise discretion in granting such exemptions. The recurring nature of legislation like H. 4091, R-108 demonstrates the policy basis for Article III, Section 34's directive that special legislation be avoided in all cases where general legislation can be enacted.

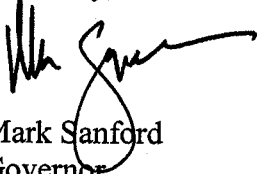
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In summary, I believe the specific nature of H. 4091, R-108 renders this Act unconstitutional. For this reason, I am returning H. 4091, R-108 to you without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Sanford", written over the printed name.

Mark Sanford
Governor